



**CITY OF FITCHBURG MASSACHUSETTS  
CITY COUNCIL CALENDAR**

**April 5, 2016 7:00PM**

**Memorial Middle School Library  
615 Rollstone Street  
Fitchburg MA 01420**

FITCHBURG CITY CLERK  
16 APR - 1 09 49

**WELCOME TO THE FITCHBURG CITY COUNCIL!**

This is intended to help you understand the meeting format and assist you with the rules of the Council as they pertain to your participation.

All meetings of the Fitchburg City council are open to the public. This does not mean that the public participates in all aspects of the meeting. It simply means that the meeting itself, including all discussions and votes, is open for public view.

**Executive Session**

The only time a Council meeting can be closed to the public is when the Council votes for Executive Session in order to discuss sensitive matters in private, such as pending litigation. Any votes taken however, must be taken in open session.

**OPPORTUNITIES FOR THE PUBLIC TO SPEAK DURING A COUNCIL MEETING:**

**Public Forum**

The Public Forum occurs immediately following the Pledge of Allegiance. The President will ask if anyone in the audience wishes to speak on any matter appearing on the Agenda. If you wish to address the Council, you must stand and be recognized and follow these rules before speaking:

1. State your name and address.
2. Approach the center table and either stand or sit. This allows you to be seen and heard clearly by everyone in attendance.
3. You may speak only on items appearing on the agenda for no more than (2) minutes. Copies of the agenda are available on the center table prior to the meeting.
4. Please state the petition, order, ordinance, or resolution number to which you refer.

**Public Hearings**

Public hearings are held on various issues such as Special Permits and Zoning changes. The same rules apply with the following exceptions:

1. You must stand and be recognized either "in favor" or "in opposition" when asked by the Council President.
2. You need not refer to the petition number.

If you have any questions or comments either before or after the meeting, any Councillor would be happy to assist you.

Thank you for your interest!

## I. PUBLIC FORUM

## II. COMMUNICATIONS FROM HIS HONOR THE MAYOR

1. Six letters of Appointment as follows:
  - A. Mr. John Earley to the Airport Commission to fill the balance of the term of Mr. Kit Walker, term to expire February 1, 2017.
  - B. Mr. Andrew Hawthorne to the Trustees of Public Burial Grounds, term to expire January 1, 2019.
  - C. Ms. Nina Nazarian to the Water-Wastewater Commission, term to expire January 1, 2020.
  - D. Mr. Joshua Champagne, to the Water-Wastewater Commission, term to expire January 1, 2020.
  - E. Retired Lieutenant Glenn C. Fossa, to serve as a Special Police Officer for the City of Fitchburg.
  - F. Retired Detective Perry Pappas to service as a Special Police Officer for the City of Fitchburg.

## III. COMMUNICATION FROM DEPARTMENT HEAD

1. Communication from the NICE Task Force re: Special Permit Petition #13-2016.
2. Communication from the Pension Reserves Investment Management Board.
3. Communication from the Fitchburg Retirement Board.

## IV. COMMUNICATION - OTHER

1. Communication from the Sawmill Pond Condo Association re: Ordinance #46-2016.

## V. ANNUAL REPORT

051-16. ANNUAL REPORT: Fitchburg Fire Department 2015.

## VI. REPORTS OF COMMITTEES

### APPOINTMENTS COMMITTEE

Oral Report of meeting to be held on April 5, 2016 at 6:45PM

#### New Appointments:

#### Historical Commission

Ms. Ellen DiGeronimo, 197 Bridle Cross Rd., Fitchburg, MA 01420  
(For a term to expire on February 1, 2019)

#### Trustee of Public Burial Grounds

Ms. Judith Perla, 236 Walton St., Fitchburg, MA 01420  
(For a term to expire on January 1, 2019)

#### Zoning Board of Appeals

Atty. Anna R. Phillips, 559 Pearl Hill Rd., Fitchburg, MA 01420  
(For a term to expire January 1, 2021)

Re-Appointment:

Disability Commission

Ms. Mary Ann Guichard, 245 River St., Fitchburg, MA 01420  
(For a term to expire on February 1, 2019)

Anna M. Farrell, City Clerk

231-15. Councillor Angelo Bisol, to change the hours of voting from 8AM to 8PM to 7AM to 8PM.  
(Be granted)

Finance Committee

33-2016. ORDERED: That the City of Fitchburg approves the expenditure of funds from the MA Executive Office of Public Safety for the FY16 Fire SAFE Trailer Grant in the approximate amount of \$1,800.  
(Be Adopted)

34-2016. ORDERED: That there be and hereby is appropriated the sum of \$65,000 to Fire Capital-Departmental Equipment and charged against Available Funds.  
(Be Adopted)

041-16. ORDERED: That the City of Fitchburg hereby approves the expenditure of funds from the Federal Emergency Management Agency (FEMA) as administered through the Massachusetts Emergency Management Agency (MEMA), for the FY16 Fire Emergency Performance Grant, in the approximate amount of \$14,600, for the purposes of said grant.  
(Be Adopted)

35-2016. ORDERED: That the City of Fitchburg approves the expenditure of funds from the MA Executive Office of Public Safety and Security, for the FY16 Shannon Community Safety Initiative Grant in the approximate amount of \$169,274.72.  
(Be Adopted)

36-2016. ORDERED: That there be and hereby is transferred the sum of \$6,000 to Health Expenses from Health Personal Services.  
(Be Adopted)

042-16. ORDERED: That the City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Environmental Protection (Mass DEP), for the FY16 Health Sustainable Materials Grant, in the approximate amount of \$19,000, for the purposes of said grant.  
(Be Adopted)

1. Resolved: Having convened in an open meeting on April 3, 2016 prior to the closing date, the City Council of the City of Fitchburg, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form as the districts Priority School Application dated April 4, 2016 for the Crocker Elementary School located at 200 Bigelow Road, Fitchburg MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority as a Priority 7- Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. Based on a strategic facilities use plan recently completed by an architectural firm, the buildings' functionality, and the overall current district portfolio of facilities and enrollment trends, and further subject to a more comprehensive feasibility analysis to review site construction and operating costs to best ensure long term sustainability; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Fitchburg or its school district to filing an application for funding with the Massachusetts School Building Authority.

(Be amended to state April 5, 2016 for both the dates for the open meeting and Statement of Interest Form)  
(Be adopted as Amended)

044-16. ORDER:

2. Resolved: Having convened in an open meeting on April 3, 2016 prior to the closing date, the City Council of the City of Fitchburg, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 4, 2016 for the South Street Elementary School located at 376 South Street, Fitchburg MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future as a Priority 7- Replacement of or addition to obsolete buildings in order to provide for a full

range of programs consistent with state and approved local requirements. Based on a strategic facilities use plan recently completed by an architectural firm, the buildings' functionality, and the overall current district portfolio of facilities and enrollment trends, and further subject to a more comprehensive feasibility analysis to review site construction and operating costs to best ensure long term sustainability; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Fitchburg or its school district to filing an application for funding with the Massachusetts School Building Authority.

(Be amended to state April 5, 2016 for both the dates for the open meeting and Statement of Interest Form)  
(Be adopted as Amended)

045-16. ORDER:

.3 Resolved: Having convened in an open meeting on April 3, 2016 prior to the closing date, the City Council of the City of Fitchburg, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 4, 2016 for the Goodrich Academy Building located at 111 Goodrich Street which describes and explains the following deficiencies and the priority category(s) for which Fitchburg may be invited to apply to the Massachusetts School Building Authority in the future a Priority 3 application to upgrade the electrical infrastructure and make the facility compliant with American Disabilities Act; and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City of Fitchburg or its School District to filing an application for funding with the Massachusetts School Building Authority.

(Be amended to state April 5, 2016 for both the dates for the open meeting and Statement of Interest Form)  
(Be adopted as Amended)

## Planning Board

- 29-2016. Vincent Pusateri, II, Esq, as an individual owning land to be affected by change or adoption MGL c. 40A sec. 5, to amend Chapter 181.92 of the Code of the City of Fitchburg (Zoning) entitled "Board of Appeals" by striking the words, "At least one (1) member shall be a member of the Bar".  
(Be Granted)

## Public Safety Committee

### Meeting of March 29, 2016

- 25-16. Michael A. Ward, 15 Stetson St. Leominster to refer to the Public Safety Committee the following:
1. At times, dogs are subjected to unnecessarily cruel treatment;
  2. The system to locate the owners of lost dogs or to locate adoptable homes for stray dogs;
  3. To examine and determine why a multitude of dogs (double figure) have disappeared while under the supervision of the animal control officer.
- (Be Granted)
- 39-16. Class II Car Dealer petition of Carlos Bismark Terrero dba Millennium Motors, 34 Bemis Road.  
(Be Held)
- 243-15. Councillor Michael Kushmerek, to install a streetlight on pole #392-1 located on Mattson Street.  
(Be Given Leave to Withdraw)
- 242-15. Councillor Paul Beauchemin, to put a gate at the end of Shattuck St. because of illegal activities and dumping near the quarries. People on the street are complaining.  
(Be Referred to the Public Works Committee)
- 208-15. Councillor Marcus DiNatale and Michael Hurley, to review the feasibility of and if warranted install streetlights along the curb where John Fitch Highway and Pearl Hill Rd. intersect and along the right side of Pearl Hill Rd. going up to the entrance to the FSU athletic field entrance.  
(Be Given Leave to Withdraw)
- 181-15. Councillor Michael Kushmerek, to increase the height of a city-owned fence on Blossom Street between the intersections of Elm and Mechanic Streets.  
(Be Referred to the Public Works Committee)

- 180-15. Councillor Michael Kushmerek, to install a traffic mirror on Pearl Street, opposite its intersection with Longwood Avenue.  
(Be Held in Committee)
- 298-13. Councillor Marcus DiNatale and Lori Wiley, to erect a set of traffic lights at the intersection of Pearl Hill Road, North St., and John Fitch Highway.  
(Be Given Leave to Withdraw)

#### VII. RECESSED HEARING

- 026-16. SPECIAL PERMIT PETITION: Zachary Fleckner, 226 Oak Hill Road, Fitchburg to renovate existing, non-conforming two family home located at 12 Park Street (Map 18 Block 93 Lot 0) that has been abandoned or not used for a period of more than two years.

#### VIII. HEARING

- 29-2016. Vincent Pusateri, II, Esq, as an individual owning land to be affected by change or adoption MGL c. 40A sec. 5, to amend Chapter 181.92 of the Code of the City of Fitchburg (Zoning) entitled "Board of Appeals" by striking the words, "At least one (1) member shall be a member of the Bar".

#### IX. ORDERS - CDBG YEAR 42

- 052-16. ORDERED THAT: the sum of ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$100,000) be appropriated, same to be credited to the Twin Cities Rail Trail project and charged against the CDBG Year 42.
- 053-16. ORDERED THAT: the sum of ONE HUNDRED TEN THOUSAND AND 00/100 DOLLARS (\$110,000) be appropriated, same to be credited to the Parks & Playground Improvements Project and charged against the CDBG Year 42.
- 054-16. ORDERED THAT: the sum of FIFTY-THREE THOUSAND AND 00/100 DOLLARS (\$53,000) be appropriated, same to be credited to the United Neighbors of Fitchburg Building Leadership and Inspiring Self-Sufficiency Program and charged against the CDBG Year 42.
- 055-16. ORDERED THAT: the sum of SIXTY-FIVE THOUSAND AND 00/100 DOLLARS (\$65,000) be appropriated, same to be credited to the Fitchburg Police Department Drug Enforcement and Patrol project and charged against the CDBG Year 42.

- 056-16. ORDERED THAT: the sum of SIXTEEN THOUSAND AND 00/100 DOLLARS (\$16,000) be appropriated, same to be credited to the Boys and Girls Club of Fitchburg and Leominster Afterschool Transportation Program and charged against the CDBG Year 42.
- 057-16. ORDERED THAT: the sum of NINE THOUSAND AND 00/100 DOLLARS (\$9,000) be appropriated, same to be credited to the YMCA Spartacus Program and charged against the CDBG Year 42.
- 058-16. ORDERED THAT: the sum of NINE THOUSAND AND 00/100 DOLLARS (\$9,000) be appropriated, same to be credited to the MIHN Family Housing Program and charged against the CDBG Year 42.
- 059-16. ORDERED THAT: the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000) be appropriated, same to be credited to the Twin Cities Community Development Corporation Small Business Technical Assistance Program and charged against the CDBG Year 42.
- 060-16. ORDERED THAT: the sum of ONE HUNDRED EIGHTY-EIGHT THOUSAND TWO HUNDRED FORTY-THREE AND 04/100 DOLLARS (\$188,243.04) be appropriated, same to be credited to the Demolition of Abandoned Properties and charged against the CDBG Year 42.
- 061-16. ORDERED THAT: the sum of ONE HUNDRED FORTY-THREE THOUSAND AND 00/100 DOLLARS (\$143,000) be appropriated, same to be credited to the Fitchburg Board of Health Code Enforcement program and charged against the CDBG Year 42.
- 062-16. ORDERED THAT: the sum of FORTY-NINE THOUSAND AND 00/100 DOLLARS (\$49,000) be appropriated, same to be credited to the Fitchburg Building Department Code Enforcement program and charged against the CDBG Year 42.
- 063-16. ORDERED THAT: the sum of TWO HUNDRED TWELVE THOUSAND AND 00/100 DOLLARS (\$212,000) be appropriated, same to be credited to CDBG Planning and Administration and charged against the CDBG Year 42.



## X. ORDINANCE

- 064-16. AN ORDINANCE: Amending Chapter 177, Art. VI, s.177-15, subsection C. of the City Code of the City of Fitchburg, re: **Water Rates** as outlined in the enclosed Ordinance.  
(Reference Petition #28-16)  
(First Reading)

## XI. SPECIAL PERMIT PETITION

- 065-16. SPECIAL PERMIT PETITION: Eric W. Sullender, Trustee of Neighborhood Development Trust, to renovate existing, non- conforming single family home located at 1089 Franklin Road, Fitchburg, that has been abandoned or not used for a period of more than two years.  
(Public Hearing May 3, 2016)

## XII. PETITIONS

- 066-16. Mark Brideau, Brideau Oil Co, to be granted a license pursuant to MGL ch. 148, for the storage of propane cylinders, total 80,000 gallons at 49 Cobbler Drive (114R, block 10, Lot 2A) as outlined in the enclosed petition.  
(Public Hearing April 19, 2016)
- 067-16. Comcast of MA III, Inc., to request a hearing with the Fitchburg City Council for a grant of location. The purpose of the grant of location request is to install a new conduit system to provide service to 881 Main St., as outlined in the enclosed petition.  
(Public Hearing April 19, 2016)
- 068-16. Calvin D. Brooks, City Treasurer, to declare as excess Property and refer to the Chief Procurement Officer for advertising and sale-21 Oxford Street, as outlined in the enclosed petition.  
(City Property Committee)
- 069-16. Calvin D. Brooks, City Treasurer, to amend the City Code, Ch. 14, article 1: Sale of City-owned Real Estate, Section 1-2 Procedure as outlined in the enclosed Petition.  
(City Property Committee)

070-16. Mary Jo Bohart, Economic Development Director, to declare as excess the following properties and refer them to the Chief Procurement Officer for advertising and sale:  
617 Water Street and "0" Lancaster Street  
50 Laurel Street  
(As outlined in the enclosed Petition).  
(City Property Committee)

071-16. Hon. Stephen L. DiNatale, Mayor, to petition to:  
1. Authorize the City of Fitchburg to enter in a Tax Increment Financing (TIF) agreement with M.A.S. Realty Corporation as outlined in the petition, and  
2. Petition for two appointees chosen by the Mayor (as outlined in the petition) to serve as members on the TIF Board be appointed under Suspension of the Rules, as time is of the essence.  
(Tax Increment Financing Board)

## XII. TABLED MATTER

13-2016. SPECIAL PERMIT PETITION: Mr. Robert Lemay to renovate non-conforming building that has been abandoned or not used for a period of more than two years at 148 Myrtle Ave. Map 33, Block 124 Lot 0.

Next Regular Meeting  
7:00PM, Tuesday, April 19, 2016